

PATENT  
ATTORNEY DOCKET NO.: TNX00-04  
CUSTOMER NO: 26839

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In Re the Application of:  
FUNG, Michael, et al.**

**Serial No.: 09/816,839**

**Filed: March 23, 2001**

**For: ANTI C2/C2a INHIBITORS OF  
COMPLEMENT ACTIVATION**

Group Art Unit: 1644

**Examiner: A. M. DeCloux**

**Assistant Commissioner for Patents**  
**Washington, D.C. 20231**

**Dear Sir:**

**DEPOSIT REQUIREMENTS UNDER 37 C.F.R. § 1.808**

The undersigned hereby states that the deposit of MAb 175-62 was made according to the terms of the Budapest Treaty on March 22, 2000, with the ATCC Deposit Designation No. PTA-1553. All restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon the granting of the patent.

BY: Cheryl Liljestrand  
Cheryl A. Liljestrand  
Reg. No. 45,275

**Dated: March 13, 2003.**

# ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

*INTERNATIONAL FORM*

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Tanox, Inc.  
Attn: Eric Mirabel  
10301 Stella Link  
Houston, TX 77025

Deposited on Behalf of: Tanox, Inc. (Ref. 00-04)

Identification Reference by Depositor:

Patent Deposit Designation

Mouse hybridoma of anti-human complement C2a, MAb 175-62

PTA-1553

The deposit was accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above.

The deposit was received March 22, 2000 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested March 29, 2000. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

  
Barbara E. Coupé, Administrator, Patent Depository

Date: March 29, 2000

# Tanox, Inc.



4888 Loop Central Dr.  
Suite 820  
Houston, TX 77081  
(713) 578-4000  
Fax: (713) 578-5002

**FAX RECEIVED**

MAR 14 2003

**GROUP 1600****FAX TRANSMISSION COVER SHEET**

**Date:** March 13, 2003  
**To:** Examiner - Amy M. DeCloux  
**Company:** US Patent & Trademark Office  
Technology Center 1600  
**Fax:** (703) 872-9306  
**Sender:** Cheryl A. Liljestrand

**OFFICIAL**

You should receive 17 page(s), including this cover.  
If you do not receive all pages, please call (713) 578-4182.

**Certificate of Transmission**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306, on March 13, 2003. (Date)

Typed or printed name of person signing this certificate:

Angela K. Haffelder

Signature: \_\_\_\_\_

Please Acknowledge Receipt of the Following:

In re Application of: **FUNG, Michael**

Serial No: **09/816,839**

Filed: **March 23, 2001**

For: **Anti C2/C2a Inhibitors of Complement Activation**

1. Transmittal Form
2. Fee Transmittal Form
3. Amendment/Reply
4. Extension of Time Request
5. Example 16
6. Deposit Requirement
7. ATCC Form

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PTO/SB/17 (11-01)

Approved for use through 10/31/2002. OMB 0851-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL**  
**for FY 2002**

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$)**55.00****Complete if Known**

Application Number	09/816,839
Filing Date	March 23, 2001
First Named Inventor	FUNG, Michael
Examiner Name	DeCloux, Amy M.
Group Art Unit	1644
Attorney Docket No.	TNX00-04

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number  
20-0087Deposit Account Name  
Tanox, Inc.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above identified deposit account.
**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 180	214 80	Provisional filing fee	

**SUBTOTAL (1)** (\$)**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 820*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	55.00
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$)**55.00****SUBMITTED BY**

Name (Print/Type) Cheryl A. Liljestrand

Signature

Registration No.  
(Attorney/Agent)

45,275

**Complete (if applicable)**

Telephone 713-578-4182

Date March 13, 2003

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.